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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Bangladesh: Human rights activism at serious risk

1. The Asian Legal Resource Centre (ALRC) wishes to bring the situation of human rights defenders of Bangladesh to the attention of the UN Human Rights Council. The Government of Bangladesh has been denying opportunity for the human rights activism in the country. Systematic denial of the rights to defend human rights continues to silence constructively critical voices. As a result, the Human Rights Defenders of Bangladesh are in serious danger at this moment in the country's history of human rights activism. The notion of protection hardly exists in Bangladesh as far as victims of gross human rights abuses are concerned. Now, the Human Rights Defenders and civil society organisations have been made specific targets by the government.

2. The Government protects the perpetrators of gross human rights abuses through a deeply rooted culture of blatant impunity at the costs of the lives and liberties of the citizens. The State prevents the basic institutions from functioning as a means of protecting the people. Instead, the incumbent government uses all their institutions, including the judiciary, as tools to secure its power at the cost of the lives and liberties of the ordinary people.

3. For example, the situation of Odhikar, a Bangladesh-based human rights organisation, which has special consultative status of the ECOSOC of the UN, and the human rights defenders associated with that organisation are facing continued repression by the government. Odhikar emerged as one of rights groups that remained actively critical during successive governments since its inception 19 years ago. Since the Universal Periodic Review mechanism of the UN Human Rights Council started reviewing the rights situation of countries, Odhikar, jointly with the ALRC and other internationally reputed human rights organisations, contributed to the UPR process in 2009 and in 2013. Additionally, this rights body constantly brought to light the cases and pattern of extrajudicial execution, enforced disappearance, custodial torture, limits to freedom of expression and opinion, and denial of justice to the victims of gross human rights abuses in Bangladesh, among several other important issues under the category of civil and political rights.

4. The government of Bangladesh accused Odhikar for tarnishing the "image" of the law-enforcement agencies since the organisation published a fact-finding report challenging the authority's version of a "zero-casualty" overnight massive crackdown against the demonstrators of a non-political Islamist group, Hefazat-E-Islam, on May 5 and 6, 2013. More than ten thousand paramilitary and police personnel with heavy weapons started the crackdown after switching off the electricity supply in the entire area surrounding Shapla Chattar in Dhaka. There have been allegation of numerous deaths and injuries of persons in the overnight incidents that, similarly, almost denied the media proper access to monitor the operation. Two private TV channels were instantly shut down by the government in the early hours of May 6 for broadcasting the footage of the crackdown. Odhikar claimed in its fact-finding report that 61 persons were killed in the incidents. They demanded that an independent probe commission headed by a Supreme Court judge be constituted for investigating the allegations of countless deaths. However, the government rejected such demands of Odhikar and other civil society organisations. Instead, the government insisted Odhikar provide the detailed identities of the victims and their family to the government. Concerned for the safety of the affected families, due to the prevalent practice of further harassment, as an established pattern maintained by Bangladeshi law-enforcing agencies to harass the victims and families for speaking out about their plights, Odhikar declined to share the particulars but assured that if any independent probe commission is formed to credibly investigate matters, they would provide all necessary information to the probe commission once the protection of the victims and witnesses are guaranteed. Consequently, the government started harassing the human rights defenders associated with this organisation. The government arrested Odhikar's secretary Adilur Rahman Khan and director ASM Nasiruddin Elan, who were detained in prison for 62 and 27 days, respectively, for fabricated case. These two prominent human rights defenders have been charged under the Information and Communication Technology Act, 2006 for tarnishing image of the government through releasing fact-finding report.

5. The government is using the Anti-Corruption Commission (ACC) and the NGO Affairs Bureau (NGO-AB), which is under the direct control of the Office of the Prime Minister, to harass Odhikar and their rights activists by fabricating cases of corruption. The ACC secretly registered a case of "'money laundering" against Odhikar's secretary and director in July 2013, was revealed to the alleged defendants when the ACC called Adilur and Elan and forced to give statement under Section 161 of the Code of Criminal Procedure, 1898, on 22 January 2014. The ACC also kept the pro-government TV channels ready at their office allegedly for "holding media trials" against the human rights

defenders. At the time of drafting this Written Submission, the NGO-AB officials were frequently visiting the office of Odhikar almost every day, interrogating the staffs and checking and collecting copies of documents from the Odhikar's office. Without any reasonable grounds, the NGO-AB is insisting Odhikar provide the personal particulars of the human rights defenders across the country associated with the organisation. The human rights defenders, who are publicly known as activists of Odhikar, have been facing harassment by the intelligence agencies in different districts of Bangladesh. It should be noted with great concerns that the relevant banks stopped disbursing the funds of projects that Odhikar was implementing, with support from international development partners, due to interventions by the government.

6. Simultaneously, the government has been conducting continuous surveillance for months on the human rights defenders and their family members of all age. Normally, two plain clothed persons with a motorbike wait in front of the gate of the office of Odhikar's office building where Adilur Rahman Khan resides on one of the floors. The bikers sometimes show pistols to threaten the visitors and staff that commute to and from the building. The bikers chase the vehicles carrying Adilur, his family members, and colleagues both on the streets and at places they visit for professional or academic purposes. Plain clothed persons claiming to be police officers or from the intelligence agencies insist the car drivers of Adilur's family and the security guards of the building report the whereabouts and movements of Adilur and his colleagues, with threats of bodily harm if anyone refuses cooperating with the agencies.

7. Odhikar is neither the first nor the only victim of governmental persecution in Bangladesh, though they are facing it right at this moment. Several other human rights defenders have been physically attacked. For example: Mr. Shahed Kayes, an educationist and environmental rights activist, who is the founder of Subornogram Foundation, was assaulted on 25 July 2013, after he was kidnapped by the musclemen of the ruling party's parliamentarians. Mr. Shahed was a target of assassination for helping the inhabitants of Mayadip and Nunertek islands to stand against the ongoing illegal sand-mining in the Meghan River in Sonargaon sub-district in Narayanganj district. He survived the attempt due to immediate interventions by journalists and human rights defenders who insisted the police take prompt action to rescue him. He had his neck, chest, and wrist cut by the kidnappers. The ruling party parliamentarians and politicians were the direct beneficiaries of the illegal sand-mining. It put more than ten thousand poor people at risk of losing their shelters and livelihoods due to large-scale landslides and erosion damaging agricultural lands. The ruling party leaders have been investing their efforts to ensure impunity for the perpetrators by dropping charge of the attempted murder case registered by Shahed. After registering the complaint, Mr. Shahed Kayes is now hiding to save his life amidst continuous threats from the ruling party parliamentarians and minister while Subornogram Foundation, as an organisation, is facing operational problems without the active presence of its key leaders in the areas of educating underprivileged *dalit* and fisher-folk communities. The activists who protested against the illegal sand-mining have been facing fabricated cases against them by the sand-miners' musclemen. The police have been acting in order to facilitate benefits to the perpetrators due to their association with the ruling party.

8. A number of reputed mainstream human rights organisations, and iconic human rights defenders, have been maintaining "friendly" relationships with the government either for political ideologies or for avoiding confrontation fearing the consequences that Odhikar, Subornogram Foundation and other organisations have been facing. Some organisations have switched their role from independent human rights bodies to pro-government advocates. Often delegations of such pro-government human rights organisations actively participate in the Council's Sessions and side events to give an impression to the international community that the situation of Bangladesh is not too bad as portrayed, for the purpose of maintaining alliance with the incumbent government. Such pro-government association of human rights organisations is contributing to the insecurity of the independent human rights activism in the country.

9. The government of Bangladesh has acquired the characteristics of authoritarian rule. The entire entity of the state itself fails to function beyond the wishes of the Prime Minister, who possesses almost all power as the head of the government, leader of the parliament, and head of the ruling political party. The officials of the government including the ministers literally nod their heads to satisfy the Prime Minister's personal wish and interpretation. The same culture is nourished in the political parties in Bangladesh for decades. So, it does not matter which party is in power. The government is more interested in keeping control over law-enforcement agencies that are systematically used against the people at large. By doing so, the government successfully intimidates the other institutions that are supposed to function independently, followed by weakening those institutions in terms of merit, human and financial resources, infrastructure, and mindsets of the relevant professionals.

10. The institutional system functions according to the arbitrary demands replacing universal normative principles of justice and governance as far as Bangladesh is concerned. As a result, all the basic institutions constantly fail to act for the purpose of upholding the rule of law in the society. The institutions, including the judiciary and the entire criminal justice apparatus, survive as facades. These facades facilitate the process of silencing society's vibrant voices. One who observes the behaviour and practice in terms of quality, content, intent of the media, and a segment of the civil society organisations of Bangladesh can easily realise that there are fundamental problems deeply rooted in the country. The number of truth-tellers is reducing gradually due to the absence of space and minimum guarantee of survival with human dignity. Those who wish, or dare, to expose the truth have to continuously consider the possible consequences before doing so. Impunity for state-orchestrated violence is guaranteed as a matter of fact.

11. The ALRC urges the Human Rights Council to insist that the independent experts and mandate-holders continue reminding the government of Bangladesh that letters of invitation that have been requested to the government authorities. The ALRC also urges the government of Bangladesh to respond to those pending requests without further delay. In addition, the ALRC request Special Rapporteurs in particular on Independence of Judges and Lawyers; Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; Extrajudicial and Summary Executions; Freedom of Expression and Opinion; Situation of Human Rights Defenders; and Working Group on Enforced and Involuntary Disappearance to carry out their country visits and report back to the Council. The human rights defenders and organisations that sincerely wish to generate discourse of the issues of justice and protection from torture and other forms of gross abuses of human rights deserve prompt attention from the international community. The rights of life, liberty, and livelihood of the people cannot be negated. The UN Human Rights mechanism and its various human rights bodies should actively concentrate more on the situation of Bangladesh. The people long for rescue efforts from a suffocating situation.